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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ERIC GUDMUNDSON, *et al.*,

10 Plaintiffs,

11 v.

12 STATE FARM FIRE AND CASUALTY
13 CO.,

14 Defendant.

15 Case No. C22-352-MLP

16 ORDER

17 This matter is before the Court on two motions: (1) Plaintiffs' counsel's "Motion to
18 Withdraw and Continue the Trial Date" ("Counsel's Motion" (dkt. # 42)); and (2) Plaintiffs Eric
19 and Katina Gudmundson's "Motion for Relief from the Case Schedule" ("Plaintiffs' Motion"
20 (dkt. # 43)). Both motions were filed on February 23, 2023, (dkt. ## 42-43) and Defendants have
21 filed responses (dkt. ## 46-47). Plaintiffs themselves were served with copies of both motions
22 and have not filed any opposition. (Samoylenko Decl. (dkt. # 45).) No replies were filed.

23 Plaintiffs' counsel, Leah S. Snyder and Chance B. Yager of Ember Law PLLC, move for
an order allowing them to withdraw as counsel because "Ember cannot continue this
representation consistent with the Washington Rules of Professional Conduct." (Dkt. # 42 at 1-
2.) Because the withdrawal is less than 60 days before the March 21, 2023 discovery deadline

1 (dkt. # 35), Plaintiffs' counsel contend that "trial should be continued to allow Plaintiff[s] the
 2 opportunity to obtain replacement counsel." (Dkt. # 42 at 2.) Trial is currently scheduled for July
 3 17, 2023. (Dkt. # 35.) In the accompanying motion, Plaintiffs, appearing through Ms. Snyder,
 4 "seek relief from the case schedule" for an unspecified length of time. (Dkt. # 43 at 2.)

5 Defendant State Farm Fire and Casualty Company does not oppose withdrawal of
 6 Plaintiffs' counsel. (Dkt. # 47 at 1.) Defendant opposes a trial continuance (*id.* at 2) but does not
 7 oppose a "four-week extension of the discovery cutoff." (Dkt. # 46 at 1.)

8 Leave of court is required for counsel to withdraw where withdrawal will leave the party
 9 unrepresented. W.D. Wash. Local Civil Rule ("LCR") 83.2(b). "The attorney will ordinarily be
 10 permitted to withdraw until sixty days before the discovery cut off date in a civil case[.]" LCR
 11 83.2(b)(1). Although the discovery cut off date is now less than a week away, based on
 12 Plaintiffs' counsel's representation that the Washington Rules of Professional Conduct require
 13 them to withdraw, and that Plaintiffs and Defendant do not oppose withdrawal, the Court finds it
 14 appropriate to grant leave to withdraw.

15 The Court's scheduling order "may be modified only for good cause and with the judge's
 16 consent." LCR 16(b)(6). The loss of counsel less than one month prior to the end of discovery
 17 constitutes good cause. Accordingly, the Court GRANTS Plaintiffs' Motion (dkt. # 43) and
 18 amends the scheduling order (dkt. # 35) to extend the discovery cut off date by four weeks to
 19 April 18, 2023.¹

20 However, at this point, the Court finds it premature to continue the trial date, particularly
 21 without input from any new counsel Plaintiffs may engage. Therefore, the Court GRANTS in
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23 ¹ The Court recognizes that dispositive and *Daubert* motions are due on that date. (Dkt. # 35.) Any further
 extension sought by any party should account for the time the Court needs to resolve any such motions
 prior to trial.

1 part and DENIES in part Counsel's Motion. (Dkt. # 42.) Ms. Snyder and Mr. Yager of Ember
2 Law PLLC are permitted to withdraw from representing Plaintiffs; however, the motion to
3 continue trial is denied.

4 Dated this 15th day of March, 2023.

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7 MICHELLE L. PETERSON
8 United States Magistrate Judge
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